

7

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 30TH DAY OF JUNE 1998

Before

THE HON'BLE MR.JUSTICE H.L. DATTU

W.P.NO. 7097/1993.

Between:

Bandeppa,  
s/o Doddabasappa Kampali,  
Aged about 38 years,  
Occ: Librarian,  
Gunjahalli Hire Nagappa  
College of Commerce,  
Gangavati - Raichur Dist. 203 Petitioner.

(By Sri.Satish M.Doddamani, ...  
M/s.Manu Law Chambers, for petitioner)  
And:

1. Director of Collegiate  
Education in Karnataka,  
Sheshadri Road,  
Bangalore.
2. The Deputy Director  
of Collegiate Education,  
Gulbarga Division,  
Gulbarga.
3. Gunjahalli Hire Nagappa College  
of Commerce, Gangavathi, Raichur District  
by its Principal. Respondents.

(By Sri.S.Udaya Shankar, AGA)

.....

This W.P. is filed under articles 226 & 227 of the Constitution of India praying to direct the respondents to fix the pay scale of the petitioner in scale of Rs.600-1240 from 13.7.79 onwards and grant all monetary benefits for which the petitioner is entitled after considering the representation vide Annexure 'F'.

This petition coming on for hearing this day, the court made the following:

ORDER

O R D E R

Heard the learned Counsel for the parties.

2. A librarian working in third respondent College is before this court for the following reliefs:

- (1) For a direction to the respondents to fix the pay scale of the petitioner in the scale of Rs.600 - 1,240 with effect from 13.7.1979 and to grant such other service and monetary benefits for which he is entitled.
- (2) For a direction to the respondents not to take any steps to alter the present scale of the petitioner.
- (3) To quash the letter of the Director of Collegiate Education dated 26.12.92 addressed to the Deputy Director of Public Instruction, Gulbarga.

3. The facts lie in a very narrow compass. By a letter of appointment dated 13th July 1977, the petitioner was appointed to the post of Librarian in the third respondent College in the pay scale of Rs.600 - 1240. The appointment of the petitioner has been approved by the Director of Collegiate Education and further has approved the pay scale of the petitioner as Rs.600 - 1240 with effect from 13.7.79.

4. By a letter dated 26-12-92, the Director of Collegiate Education informs the Deputy Director of Collegiate Education, Gulbarga, to modify/alter/ reduce the pay scale of the petitioner from Rs.600-1240 to Rs.460-1000. Aggrieved by this action of the Director of Collegiate Education in directing the Deputy Director to alter his pay scale, the petitioner is before this court.

5. Sri.Satish M.Doddamani, learned Counsel appearing for the petitioner contends that the Director of Collegiate Education could not have directed the Deputy Director of Collegiate, Gulbarga, to modify the pay scale of the petitioner from Rs.600-1240 to Rs.460-1000, without a Notice and without affording an opportunity of hearing the petitioner since the action of the respondent would evolve civil consequences. Therefore submitted the impugned order is not only arbitrary and in violation of the rules of natural justice.

6. Sri.Udaya Shankar, Addl.Govt. Advocate, for the respondent seeks to justify the impugned order.

7. Annexure-B is a document filed by the petitioner along with the Writ Petition <sup>Order II</sup> ~~herein~~. That is an order made by the Director of Collegiate Education, recognising

the staff of the third respondent College at Gangavathi. In that the name of the petitioner is at Sl.No.8 and the Director of Collegiate Education according to petitioner has recognised the pay scale of the petitioner at Rs.600-1240 from 13.7.1979.

8. The Director in his letter dated 26.12.92 informs the Deputy Director of Public Instruction, Gulbarga to alter the pay scale of the petitioner by reducing it to Rs.460-1000. This has not been done by the Director of Collegiate Education after Notice to the petitioner and after giving him an opportunity of hearing. In my view, the said action is not only arbitrary but also violation of rules of natural justice. In that view of the matter, the letter dated 26.12.92 issued by the Director of Collegiate Education to the Deputy Director of Collegiate Education, Gulbarga, requires to be set aside by this court.

For the reasons stated, the petition is allowed. Rule made absolute. The impugned order dated 26.12.92 of the Director of Collegiate Education is quashed reserving liberty to the respondent authority to

267

redo the matter in accordance with law  
after notice and after after hearing the  
petitioner concerned.

With this observation, the Petition is  
disposed of.

Sd/-  
JUDGE



Ak  
6/7